

EXTERNAL (for general distribution)

AI Index: AMR 51/40/95
Distr: UA/SC

EXTRA 19/95

Death Penalty

24 February 1995

USA (Texas)

Maurice ANDREWS

Maurice Andrews, black, is scheduled to be executed by the state of Texas on 9 March 1995; he was sentenced to death in October 1982 for the murder of Joe Granado.

School and prison records indicate that Maurice Andrews has an IQ of between 64 and 69 and is "*mentally defective*". According to reports, Andrews "*was raised in a family riddled with mental illness*" and, as a child, may have been the victim of abusive behaviour by other family members.

Maurice Andrews was tried before an all-white jury after the state attorney had removed all potential black jurors during the jury selection process. Immediately before the start of the trial the state attorney declared that one of the jurors was related by marriage to the murder victim. The juror had failed to declare his relationship to the victim during jury selection. Andrews' attorney moved for a mistrial or to have the jury selection process re-opened so the juror could be questioned about his knowledge of the victim. Both of these requests were denied by the judge. All subsequent appeals on this and other issues have been denied by the appeal courts.

At the sentencing phase of the trial, Maurice Andrews' attorney failed to present any mitigating evidence, such as his mental retardation, to persuade the jury not to sentence his client to death.

BACKGROUND INFORMATION

Amnesty International is deeply concerned at the number of executions being carried out in the USA in general, and in Texas in particular. Of the 266 executions carried out in the USA since the death penalty was resumed in the mid 1970s, 92 have been carried out in Texas. Seven executions have been carried out in Texas so far in 1995. The method of execution is lethal injection.

In Texas, the governor may commute a sentence of death only if he receives a favourable recommendation from the Board of Pardons and Paroles. The Board consistently refuses to hold full clemency hearings in death penalty cases, and apart from a number of commutations granted in the 1980s as the result of two key court rulings, the Board has never recommended clemency in any death penalty case in recent years.

As of 31 January 1995, there were 398 prisoners under sentence of death in Texas. The most recent person to be executed in Texas was Samuel Hawkins on 21 February 1995.

Amnesty International opposes the death penalty unconditionally as a violation to the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights. Amnesty International is concerned that the execution of Maurice Andrews may be contrary to the safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the United Nations Economic and Social Council (ECOSOC) in May 1989 (Resolution 1989/64), which recommends "*eliminating the death penalty for persons suffering from mental retardation*"

or extremely limited mental competence, whether at the stage of sentence or execution."

RECOMMENDED ACTION Please send telegrams/faxes/express and airmail letters in English if possible:

- expressing deep concern that Maurice Andrews is scheduled to be executed in Texas on 9 March 1995; at the same time, expressing concern and sympathy for the victims of violent crime and their families;
- urging the Board of Pardons and Paroles to recommend that Governor Bush grant clemency to Maurice Andrews;
- expressing deep concern that evidence concerning Maurice Andrews' mental retardation, which may have been a mitigating factor, was not presented to the jury that sentenced him to death; make references to the ECOSOC guidelines;
- expressing concern that Maurice Andrews, a black man, was sentenced to death by an all-white jury, and that one member of the juror may have been prejudiced by his family connection with the victim;
- expressing opposition to the death penalty in all cases.

APPEALS TO:

Texas Board of Pardons and Paroles
Executive Clemency Unit
Texas Department of Criminal Justice
Pardons and Paroles Division
PO Box 13401
Austin, TX 78711
USA

Faxes: +1 512 467 0945
Tel: +1 512 406 5852
Telegrams: Pardons and Paroles Board, Austin, Texas
Salutation: Dear Board Members

COPIES TO:

The Honourable George W. Bush
Governor of Texas
Office of the Governor
PO Box 12428, Capitol Station
Austin, TX 78711
USA

Telephone: +1 512 463 2000
Faxes: +1 512 463 1849
Telegrams: Governor Bush, Austin, Texas 78711, USA
Salutation: Dear Governor

The Letters Editor
Austin-American Statesman
Box 670
Austin, TX 78767
USA

Faxes: +1 512 445 3679

and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.